

Objection Deadline: January 14, 2020 at 4:00 p.m. AST

Hearing: January 29, 2020 at 9:30 a.m. AST (San Juan)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Debtor.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

PUERTO RICO ELECTRIC POWER
AUTHORITY,

Debtor.

No. 17 BK 4780-LTS

SCIEMUS LIMITED, et al.

Plaintiffs,

Adv. Pro. No. 3:19-AP-369 LTS

-v-

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

PUERTO RICO ELECTRIC POWER
AUTHORITY,

Defendant.

**NOTICE OF PUERTO RICO ELECTRIC POWER AUTHORITY'S RENEWED
MOTION OF PUERTO RICO ELECTRIC POWER AUTHORITY FOR
UNDISPUTED PAYMENT AND RELEASE OF INSURANCE PROCEEDS**

PLEASE TAKE NOTICE THAT, upon this Notice and the Puerto Rico Electric Power Authority's Renewed Motion for Undisputed Payment and Release of Insurance Proceeds, filed on December 26, 2019 [Case No. 17-3283, ECF No. 9653; Case No. 17-4780, ECF No. 1843; and Adv. Proc. No. 19-369, ECF No. 32] (the "Renewed Motion"), the Financial Oversight and Management Board for Puerto Rico (the "Oversight Board"), as sole representative of Plaintiff, Debtor and Movant the Puerto Rico Electric Power Authority ("PREPA") pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* ("PROMESA")², will and hereby does move the above-entitled Court, before the Honorable Laura Taylor Swain, United States District Judge, on January 29, 2020 at 9:30 a.m. AST (Atlantic Standard Time), or as soon thereafter as the matter may be heard, at the United States District Court for the District of Puerto Rico, 150 Carlos Chardón Street, Federal Building, San Juan, Puerto Rico, for an order providing that: (i) PREPA may accept from Plaintiffs ("Insurers") a payment of \$1,726,000 (the

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

“Undisputed Payment”)³ as an undisputed payment of insurance proceeds under certain commercial property insurance policies issued to PREPA by Plaintiffs for the policy period May 15, 2014 to May 15, 2015 (the “Property Insurance”); (ii) no creditors of PREPA or other parties shall be permitted to interfere with the transfer of the Undisputed Payment to PREPA or PREPA’s use of the Undisputed Payment at its discretion; (iii) the Plaintiffs shall not be subject to claims of PREPA’s existing creditors or third parties with respect to the Undisputed Payment, and payment to PREPA shall satisfy Insurers’ obligations under the Property Insurance with respect to the amount so paid; (iv) no creditor of PREPA or other party shall have any claim against Plaintiffs in respect of the obligation so satisfied by payment of the Undisputed Amount of \$1,726,000; (v) Insurers shall not seek a refund, reimbursement, or claw-back of the Undisputed Payment or any portion thereof; (vi) Insurers retain all rights, remedies and defenses under the Property Insurance and at law; (vii) Defendants retain all further rights, remedies and defenses under the Property Insurance, including without limitation the right to seek additional amounts under the Property Insurance; and (viii) except as expressly stated therein, the Order shall not be interpreted to limit any party’s rights.

Consistent with the *Tenth Amended Notice, Case Management and Administrative Procedures* dated July 16, 2019 [Case No. 17 BK 3283-LTS; ECF No. 8027-1], counsel for the Oversight Board and PREPA and counsel for Insurers have met and conferred in writing and telephonically regarding the Renewed Motion. The parties have agreed to the Proposed Order for the Undisputed Payment, and seek Court approval for the same.

³ For the avoidance of doubt, all of the insurers who are underwriters on the Property Insurance (as that term is defined herein) shall make their proportionate quota share percentage payment of the Undisputed Payment (as that term is defined herein) to PREPA whether such insurers are parties to this litigation or not.

Pursuant to the *Tenth Amended Notice, Case Management and Administrative Procedures*, any objection to the Oversight Board's and PREPA's Renewed Motion must be filed and served upon the Oversight Board and PREPA through their undersigned counsel by 4:00 p.m. AST (Atlantic Standard Time) on January 14, 2020 (fifteen (15) calendar days before the hearing date). The relief requested in the Renewed Motion may be granted without a hearing if no objection is timely filed and served in accordance with the Case Management Procedures.

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Dated: January 2, 2020.
San Juan, Puerto Rico

Respectfully submitted,

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